

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY BENDER,

Plaintiff,

v.

NOKIA INC.,

Defendant.

No. C-09-1247 MMC

**ORDER DENYING PLAINTIFF'S MOTION  
FOR RELIEF FROM NONDISPOSITIVE  
PRETRIAL ORDER OF MAGISTRATE  
JUDGE**

Before the Court is plaintiff Gregory Bender's ("Bender") "Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge," filed July 1, 2010. Having read and considered the motion, the Court DENIES the motion:

1. To the extent Bender argues that the magistrate judge's finding that his "infringement contentions and related claim charts lack the specificity necessary to comply with the requirements of Patent L.R. 3-1" (Pl.'s Mot., 1), he has failed to demonstrate that such finding "is clearly erroneous or is contrary to law." See Fed. R. Civ. P. 72(a) (providing that a district court judge must set aside any part of an order that is clearly erroneous or contrary to law). Specifically, Bender has failed to demonstrate that the magistrate judge erred by ordering him to amend his infringement contentions to comply with Patent L.R. 3-1, or that his infringement contentions already meet the specificity requirements thereof.

1           2. To the extent Bender challenges the magistrate judge's decision to "limit[]" his  
2 amendment "to the single product specifically charted in his infringement contentions," to  
3 wit, a "Nokia 6205 cell phone" (Pl.'s Mot., 2), Bender fails to show that such decision is  
4 clearly erroneous or is contrary to law for the reason that he failed to identify that good  
5 cause exists for amendment. See Patent L.R. 3-6 ("Amendment of the Infringement  
6 Contentions or the Invalidity Contentions may be made only by order of the Court upon a  
7 timely showing of good cause.")

8           3. To the extent Bender asserts that the magistrate judge should not have enforced  
9 a standing order on discovery that "does not permit the submission of additional materials[,]  
10 like declarations[,] in support of one's position" (Pl.'s Mot., 5), there is no indication in the  
11 record before the Court that Bender sought leave from the magistrate judge to present  
12 such materials.

13           **IT IS SO ORDERED.**

14  
15 Dated: July 15, 2010

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/s/ Charles R. Breyer  
CHARLES R. BREYER for  
MAXINE M. CHESNEY  
United States District Judge